

Amendment/Response

Reply to Office Action of June 5, 2003

REMARKS/DISCUSSION OF ISSUES

Claims 3-12 are pending in this application, with Claims 3-9 and 11 being amended and Claims 1-2 being cancelled. No new matter is added.

The Examiner is respectfully asked to state whether the drawings are acceptable.

Rejections under 35 U.S.C. § 102

Claims 1-8 and 11 are rejected under U.S.C. § 102(e) over Hatano et al., U.S. Patent No. 6,320,629. The rejection of the claims is respectfully traversed.

Claim 3 has been redrafted to include the limitations of Claims 1 and 2, now cancelled. The only substantive change to claim 3 is to change the description of the intermediate layer to read, "optically uniform anisotropic intermediate layer", which is a feature not disclosed in the Hatano et al. reference. In contrast, the Hatano et al. reference specifically discloses and relies upon alternating polarizing layers 106/107 and phase layer 108 which includes alternating phase regions 109/110. These are the layers in the portions of the reference specifically mentioned in the Office Action. None of the intermediate layers disclosed in the reference are "optically uniform anisotropic intermediate layers" as required by independent Claim 3.

With respect to the rejection of Claim 11, Claim 11 requires "an intermediate layer of LC polymer material interposed between and adjoining each of said upper substrate and said LC material, said LC polymer material having a particular uniform director profile" which is not disclosed by the prior art reference. As stated above in the argument with respect to Claim 3, the layers in the reference are not optically uniform anisotropic intermediate layers, and therefore cannot have "a particular uniform director profile" as required by Claim 11.

It is therefore respectfully suggested that the rejections of independent Claims 3 and 11 under U.S.C. § 102(e) are overcome. Claims 1-2 are cancelled. Claims 4-8, being dependent upon and further defining independent Claim 3, should be allowable for that reason, as well as for the additional recitations they contain. Reconsideration of the rejection of Claims 3-8 and 11 under U.S.C. § 102(e) is therefore respectfully requested.

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Rejections under 35 U.S.C. § 103(a)

Claims 9, 10, and 13 are rejected under U.S.C. § 103(a) over Hatano et al., U.S. Patent No. 6,320,629 in view of Woo et al., U.S. Patent No. 6,191,836. The rejection of the claims is respectfully traversed.

Claim 9 is only amended to place it in independent form because of the cancellation of Claims 1-2. The scope of the claim is thus not narrowed thereby.

The Office Action states that it would be obvious to combine the pretilts of Woo et al. with Hatano et al. "to improve the display view angle." It is not clear to Applicant how adding the pretilts of Woo et al. to Hatano et al. would improve the display view angle when Hatano et al. relies upon alternating polarizing layers 106/107 and phase layer 108 which includes alternating phase regions 109/110 between the LC bulk material and the upper substrate. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01. In addition, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to establish a *prima facie* case for rejection under 35 USC § 103(a). MPEP § 2143.01.

Note also that Claims 9 and 10 require that the LC bulk material be adjoining the upper substrate, which is not disclosed or suggested by the Hatano et al. reference. Thus, even if the pretilts of Woo et al. are added to the LC bulk material structure of Hatano et al., the limitations of Claims 9 and 10 are not met.

It is therefore respectfully suggested that the rejection of independent Claims 9 and 10 are overcome. Claim 13, being dependent upon and further defining independent Claim 11, should be allowable for that reason, as well as for the additional recitations it contains. Reconsideration of the rejection of Claims 9, 10, and 13 under U.S.C. § 103(a) is therefore respectfully requested.

Claim 12 is rejected under U.S.C. § 103(a) over Hatano et al., U.S. Patent No. 6,320,629 in view of EP 0604903 ('903). The rejection of the claim is respectfully traversed.

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Claim 12, being dependent upon and further defining independent Claim 11, should be allowable for that reason, as well as for the additional recitation it contains. Reconsideration of the rejection of Claim 12 under U.S.C. § 103(a) is therefore respectfully requested.

In view of the foregoing, Applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Mr. Eric M. Bram (not the undersigned) at (914) 333-9635.

Respectfully submitted,

 9/4/03

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